

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DEAUNNA PHILLIPS, Plaintiff, by and
through her Mother, SPARKLE STIDWELL,
as next friend,**

Plaintiffs,

v.

YASIN ABDULAHAD,

Defendant.

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) **CIVIL ACTION FILE NO.**
) **1:19-cv-00401-MHC**
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DEFENDANT YASIN ABDULAHAD’S INITIAL DISCLOSURES

Comes Now, Defendant Detective Yasin Abdulahad (hereinafter “Detective Abdulahad” or “Defendant”) of the Atlanta Police Department (“APD”), and hereby makes his initial disclosures as follows:

1. If the defendant is improperly identified, state defendant’s correct identification and state whether defendant will accept service of an amended summons and complaint reflecting that information furnished in this disclosure response.

Response: The Defendant is properly identified.

2. Provide the names of any parties whom defendant contends are necessary parties to this action, but who have not been named by plaintiff. If defendant contends that there is a question of misjoinder of parties, provide the reasons for defendant's contention.

Response: Defendant is not aware of any parties who are necessary to this action but have not been named.

3. Provide a detailed factual basis for the defense or defenses and any counterclaims or crossclaims asserted by defendant in the responsive pleading.

Response: On January 26, 2017, Detective Abdulahad, with Detective Robeson traveled to the public safety annex building to complete paperwork. The Detectives were in plain clothes with their badges visible around their necks. The Detectives drove a red Dodge Charger rented by APD for official police business. Detective Abdulahad, who was driving the vehicle on the night in question, backed the vehicle into a parking spot. Upon exiting the vehicle, Detective Abdulahad smelled a strong odor of marijuana coming from the vehicle parked two spaces down. Detective Abdulahad motioned for the person seated in the front passenger side of the vehicle, later identified as Deaundre Phillips, to roll down his window. The Detectives identified themselves as police officers. Detective Robeson then began communicating with Mr. Phillips, who kept his right arm hidden from view. Detective Robeson continued to communicate with Mr. Phillips asking that he "toss out" the marijuana. Mr.

Phillips denied that he had any marijuana but continued to hide his right arm and appeared to be manipulating an object in the floorboard of the vehicle.

Thereafter, Mr. Phillips was asked to step out of the vehicle. Mr. Phillips complied but then attempted to push past the Detectives to flee. The Detectives were able to stop Mr. Phillips from fleeing but he then broke free and returned to the vehicle. Detective Abdulahad went in the vehicle after Mr. Phillips and saw that he was moving for a gun in the passenger floorboard. Detective Abdulahad then pushed Mr. Phillips toward the driver's side of the vehicle so that he could not reach the gun in the floorboard. At this time, Detective Abdulahad had one knee in the passenger side seat. Mr. Phillips then put the vehicle into gear and began to drive the vehicle with Detective Abdulahad partially in the vehicle. Mr. Phillips drove past the exit of the parking lot and toward a light pole while continuing to reach for the gun in the floorboard of the vehicle. Detective Abdulahad, fearing that he could not stop Mr. Phillips from getting the gun or from hitting the light pole, fired his gun once striking Mr. Phillips, who expired at the scene.

The Georgia Bureau of Investigations ("GBI") were called to the scene to conduct the investigation into this incident. The GBI found marijuana on Mr. Phillips and a gun in the floorboard of the vehicle. In addition, the GBI found

that Mr. Phillips had five previous arrests, was on probation, and had two arrest warrants pending in Fulton County, GA at the time of the events at issue in this matter.

Based on these facts, it is clear that Detective Abdulahad is entitled to qualified immunity for all causes of action in this matter.

4. Describe in detail all statutes, codes, regulations, legal principals, standards and customs or usages, and illustrative case law which defendant contends are applicable to this action.

Response:

STATUTES:

U.S.C.A. Const. Amend. 4
42 U.S.C. § 1983

CASE LAW:

Terrell v. Smith, 668 F.3d 1244 (11th Cir. 2012).

Adams v. Hazelwood, 271 Ga. 414 (1999)

Anderson v. Creighton, 483 U.S. 635 (1987)

Anderson v. Dist. Bd. of Trs. of Cent. Fla. Cmty. Coll., 77 F.3d 364(11th Cir. 1996)

Baker v. McCollan, ___ U.S. ___, 99 S.Ct. 2689 (1979)

Brown v. City of Huntsville, 608 F.3d 724 (11th Cir. 2010)

Cameron v. Lang, 274 Ga. 122 (2001)

Carter v. Glenn, 249 Ga. App. 414 (2001)

Dorsey v. Wallace, 134 F.Supp.2d 1364 (N.D.Ga. 2000, Pannell, J.)

Gardner v. Rogers, 224 Ga. App. 165 (1996)

Gates v. Khokhar, 884 F.3d 1290 (2018)

Gilbert v. Richardson, 264 Ga. 744 (1994)

Gonzalez v. Reno, 325 F.3d 1228 (11th Cir. 2003)

Graham v. Connor, 490 U.S. 386 (1989)

Hartsfield v. Lemacks, 50 F.3d 950 (11th Cir. 1995)

Harlow v. Fitzgerald, 457 U.S. 800 (1982)

Holloman ex rel. Holloman v. Harland, 370 F.3d 1252 (11th Cir. 2004)

Hunter v. Bryant, 502 U.S. 224 (1991)

Jones v. Cannon, 174 F.3d 1271 (11th Cir. 1999)

Jones v. Michael, 656 Fed.Appx. 923 (11th Cir. 2016)

Jordan v. Mosley, 487 F.3d 1350 (11th Cir. 2007)

Kidd v. Coates, 271 Ga. 33 (1999)

Lee v. Ferraro, 284 F.3d 1188 (11th Cir. 2002)

Merrow v. Hawkins, 266 Ga. 390 (1996)

Mullenix v. Luna, ___ U.S. ___, 136 S.Ct. 305 (2015)

Pearson v. Callahan, 555 U.S. 223 (2009)

Post v. City of Ft. Lauderdale, 7 F.3d 1552 (11th Cir. 1993)

Proescher v. Bell, 966 F. Supp. 2d 1350 (N.D. Ga. 2013)

Saucier v. Katz, 533 U.S. 194 (2001)

Selvy v. Morrison, 292 Ga. App. 702 (2008)

Sheth v. Webster, 145 F.3d 1231 (11th Cir.1998)

St. George v. Pinellas County, 285 F.3d 1334 (11th Cir. 2002)

Tittle v. Corso, 256 Ga. App. 859 (2002)

Vineyard v. Wilson, 311 F.3d 1340 (11th Cir. 2002)

Wilson v. Layne, 526 U.S. 603 (1999)

Wood v. Kesler, 323 F.3d 872 (11th Cir. 2003)

5. Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information.

Response: Please see Attachment A.

6. Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule.

Response: Defendant has not retained any expert as of the making of these disclosures. Defendant will supplement this response at such time that any expert is retained.

7. Provide a copy of, or description by category and location of, all documents, data, compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information

Response: Defendant has no documents, electronically stored material, or other tangible things in his care custody and control relevant to this action.

8. In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying under Fed. R. Civ. P. 34.

Response: Defendant has no damages except costs and fees for defending this action.

9. If defendants contend that some other person or legal entity is, in whole or in part, liable to the plaintiff or defendants in this matter, state the full name, address and telephone number of such person or entity and describe in detail the basis of such liability.

Response: Defendant is not claiming, at this time, that some other person or entity is liable to Plaintiff.

10. Attach for inspection and copying as under F.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse from payments to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E).

Response: Defendant has no such insurance coverage.

[Signatures on following page]

Respectfully submitted, this 20th day of March, 2019.

By: /s/ Alisha I. Wyatt-Bullman
ALISHA I. WYATT-BULLMAN
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ATTACHMENT A

1. All individuals named in Plaintiff's Complaint and Initial Disclosures.
2. GBI Special Agent Clinton Thomas
3. GBI Lieutenant Charles Hampton
4. GBI Special Agent Josh Ellis
5. GBI Special Agent Chris Davis
6. GBI Special Agent David Jones
7. GBI Special Agent Justin McAllister
8. GBI Special Agent Alex Scott
9. APD Detective Yasin Abdulahad
10. APD Detective El Malik Robeson
11. APD Sergeant Nick Parete
12. APD Internal Affairs Detective Scott Bennett
13. Yteria Maeberry
14. Rodrick Hart
15. Gary Jones
16. Brenda Brailsford-Jones
17. ADF Matthew Boehner
18. ADF David Scalf
19. Raymond Evans
20. Paramedic Baitaski Bailey
21. EMT Anthony Troino
22. Angela Fowler

Officer Abdulahad reserves the right to supplement this response if additional individuals are identified during the course of discovery.

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CERTIFICATION

Counsel for City Defendants certifies that the INITIAL DISCLOSURES have been prepared with Times New Roman font, 14 point, and therefore it complies with the requirements of L.R. 5.1(C).

This 20th day of March, 2019.

By: /s/ Alisha I. Wyatt-Bullman
ALISHA I. WYATT-BULLMAN
Senior Assistant City Attorney
Georgia Bar No. 189850
Attorneys for Defendants

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CERTIFICATE OF SERVICE

This is to certify that on this day the **DEFENDANT YASIN ABDULAHAD'S INITIAL DISCLOSURES** upon counsel listed below by e-file and by depositing a copy of the same in the United States Mail with proper postage affixed thereon to ensure delivery as follows:

**G. BRIAN SPEARS, ESQ.
1126 Ponce de Leon Avenue, NE
Atlanta, GA 30306**

**L. CHRIS STEWART, ESQ.
Stewart Trial Attorneys
2020 Howell Mill Road, NW
Suite D-182
Atlanta, GA 30318**

[SIGNATURE ON FOLLOWING PAGE]

This 20th day of March, 2019.

Respectfully Submitted,

By: /s/ Alisha I. Wyatt-Bullman

ALISHA I. WYATT-BULLMAN

Senior Assistant City Attorney

Georgia Bar No. 189850

Attorneys for Defendant

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